

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES SEAN HALL,

No. C 11-3353 WHA (PR)

Petitioner,

**ORDER OF DISMISSAL;  
GRANTING LEAVE TO PROCEED  
IN FORMA PAUPERIS**

v.

STATE OF CALIFORNIA,

Respondent.

(Docket No. 3)

Petitioner, a California prisoner proceeding pro se, filed a petition for a writ of error coram nobis. He appears to be challenging the decision by the California Board of Parole Hearings ("Board") to deny him parole. The writ of error coram nobis affords a remedy to attack a conviction when the petitioner has served his sentence and is no longer in custody. *See Telink, Inc. v. United States*, 24 F.3d 42, 45 (9th Cir. 1994). Petitioner is still in custody. Consequently, his petition is **DISMISSED**. If petitioner wishes to challenge the Board's parole decision, he may do so by filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 22554 after exhausting his state court remedies. Leave to proceed in forma pauperis (docket number 3) is **GRANTED**.

The clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: August 29, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE